

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

### **Resolution 98-36**

#### **IMPOSITION OF AN ADMINISTRATIVE CIVIL PENALTY ON THE CITY OF SANTA FE SPRINGS FOR FAILURE TO FILE AN ADEQUATE SOURCE REDUCTION AND RECYCLING ELEMENT (PUBLIC RESOURCES CODE SECTION 41813)**

**WHEREAS,** Public Resources Code (PRC) section 41811.5( c ) provides that jurisdictions which receive a Notice of Deficiency from the California Integrated Waste Management Board (CIWMB) because the CIWMB has determined that their Source Reduction and Recycling Elements (SRRE) are inadequate shall revise and resubmit their SRREs within 120 days; and,

**WHEREAS,** the city of Santa Fe Springs received a Notice of Deficiency from the CIWMB on February 28, 1995 but failed to resubmit a revised SRRE to the CIWMB by June 28, 1995 as required; and,

**WHEREAS,** the city submitted a compliance schedule to the CIWMB which provided that it would submit a final and complete SRRE by September 14, 1997, but the city failed to do so; and,

**WHEREAS,** PRC 41812 provides that if the Board determines that a jurisdiction has failed to submit an adequate element, the Board shall conduct a public hearing for the purposes of hearing testimony on the element and the deficiencies identified by the Board; and the CIWMB held such a public hearing on January 29, 1998; and,

**WHEREAS,** PRC 41813(a) provides that after conducting a public hearing pursuant to Section 41812, the board may impose administrative civil penalties of not more than ten thousand dollars (\$10,000) per day on any city or county, or, pursuant to Section 40974, on any city or county as a member of a regional agency, which fails to submit an adequate element or plan in accordance with the requirements of this Chapter; and,

**WHEREAS,** the city of Santa Fe Springs has submitted a schedule indicating that it will not complete its final SRRE for submittal to the Board until March 27, 1998.

**NOW, THEREFORE, BE IT RESOLVED** that after consideration of all of the information presented at the public hearing, the CIWMB has determined that it would be appropriate to impose an administrative civil penalty on the city of Santa Fe Springs for its failure to file an adequate and complete revised SRRE in a timely manner. Based on Board staff analysis, that penalty is to be in the amount of \$43,000, as of January 29, 1998. Additionally, the Board will give the city of Santa Fe Springs until April 3, 1998 to submit a complete SRRE, as determined

by the Deputy Director. In the event that the SRRE package is not complete, as determined by the Deputy Director, by April 3, 1998, starting on April 4, 1998, an additional penalty will be assessed in the amount of \$3,683 per day until the SRRE package is complete, as determined by the Deputy Director. No penalty will accrue between January 29, 1998 and April 3, 1998.

### **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on January 29, 1998.

Dated:

Ralph E. Chandler

Executive Director